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United Nations Voluntary Fund for Victims of Torture

Report of the Secretary-General

Summary

The present report is submitted in accordance with General Assembly resolutions 36/151 and 61/153, and describes the recommendations for grants to beneficiary organizations that were adopted by the Board of Trustees of the United Nations Voluntary Fund for Victims of Torture at its twenty-sixth session. The report also provides information on policy decisions adopted by the Board in implementation of the recommendations made by the Office of Internal Oversight Services (see E/CN.4/2005/55) with a view to further enhancing the activities of the Fund.

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I. Introduction

A. Submission of the report

1. The present report was prepared in accordance with the arrangements approved by the General Assembly in its resolution 36/151 of 16 December 1981, by which it established the United Nations Voluntary Fund for Victims of Torture. It presents the recommendations adopted by the Board of Trustees of the Fund at its twenty-sixth session, which was held in Geneva from 5 to 9 February 2007. The High Commissioner for Human Rights approved these recommendations on behalf of the Secretary-General. The present report complements the report on the activities of the Fund submitted to the Human Rights Council at its fourth session (A/HRC/4/66).

B. Mandate of the Fund

2. The Fund receives voluntary contributions from Governments, non-governmental organizations and individuals. In accordance with the practice established by its Board of Trustees in 1982, the Fund provides grants to non-governmental organizations that submit projects involving medical, psychological, social, financial, legal and humanitarian or other forms of assistance to torture victims and their relatives.

C. Board of Trustees

3. The Secretary-General administers the Fund through the Office of the United Nations High Commissioner for Human Rights with the advice of a Board of Trustees composed of five members acting in their personal capacity and appointed by the Secretary-General with due regard to equitable geographical distribution and in consultation with their Governments. The Secretary-General in August 2005 appointed the following members for a period of three years, renewable once: Krassimir Kanev (Bulgaria), Sonia Picado (Costa Rica), Savitri Goonesekere (Sri Lanka), Joseph Oloka-Onyango (Uganda), and Derrick Pounder (United Kingdom of Great Britain and Northern Ireland). The Board held its twenty-fifth session in Geneva from 5 to 11 April 2006 to examine applications for funding and make recommendations on grants to be allotted to beneficiary organizations for the period July 2006 to December 2007 (see A/61/226). It held its twenty-sixth session from 5 to 9 February 2007 to discuss policy issues, as a follow up to recommendation 7 (a) of the Office of Internal Oversight Services (OIOS) which called on the Board to put priority issues at the top of its agenda, especially policies regarding priority setting and impact assessment (see E/CN.4/2005/55. The Board also awarded grants to projects from priority regions identified as a result of the call for proposals launched by the Secretariat in December 2006.

D. Admissibility criteria

4. Project admissibility criteria are outlined in the Fund's guidelines. They require a project to be presented by a non-governmental organization. The

beneficiaries must be direct victims of torture and/or direct family members. Priority is given to projects providing direct assistance to torture victims. This could consist of medical or psychological assistance; help with social or financial reintegration through vocational training for victims; or legal assistance to seek redress for victims or members of their families, or process asylum-seekers' claims. Depending on the funds available, the Fund may finance projects to organize training programmes, seminars or conferences to allow health-care professionals or other service providers to exchange best practices. However, grant requests for projects involving investigation, research, studies, publications or similar activities are not admissible. The Fund can provide emergency assistance to individuals in countries where no project is receiving support. This type of request is examined according to a specific procedure outlined in the guidelines. Detailed information on the various types of assistance provided through the projects financed by the Fund, as well as their impact on beneficiaries, can be found in the report of the Secretary-General to the General Assembly at its fifty-eighth session (A/58/284, paras. 27-34).

II. Financial situation of the Fund

A. Contributions and pledges received

5. Since the last report of the Secretary General to the General Assembly on the activities of the Fund (A/61/226), the following contributions and pledges have been received. They will enable the Board to make recommendations for grants at its twenty-seventh session, to be held from 22 to 26 October 2007. Grants recommended at the next session of the Board will be disbursed in January 2008 for the year 2008.

Table 1
List of contributions and pledges received since the last report

Donors	*Amount (in United States dollars)*	*Date of receipt*
States		
Algeria	5 000	23 February 2007
Andorra	25 440	26 April 2007
Argentina	10 000	17 January 2007
	3 000	10 July 2007
Austria	82 077	8 August 2006
	87 366	20 June 2007
Belgium	65 788	11 January 2007
Canada	52 798	6 November 2006
Chile	10 000	28 July 2006
	14 982	6 July 2007
Croatia	5 000	9 February 2007
Cyprus	6 836	16 March 2007
	7 166	20 June 2007

Donors	*Amount (in United States dollars)*	*Date of receipt*
Denmark	357 782	10 April 2007
Finland	183 417	21 July 2006
France	259 403	16 February 2007
Greece	26 350	4 December 2006
Holy See	1 000	22 August 2006
Iceland	27 778	4 January 2007
Ireland	341 530	15 May 2007
Israel	5 000	2 November 2006
	5 000	10 May 2007
Kuwait	10 000	14 September 2006
Liechtenstein	8 130	13 September 2006
	8 000	9 February 2007
Luxembourg	25 940	23 February 2007
Monaco	10 000	14 March 2007
Morocco	3 000	19 October 2006
	3 000	22 February 2007
Netherlands	1 025 641	19 September 2006
Norway	164 190	1 June 2007
Republic of Korea	10 000	6 October 2006
	50 000	1 May 2007
South Africa	13 251	13 April 2007
Spain	383 540	12 October 2006
	403 226	20 June 2007
Slovenia	3 000	4 December 2006
Switzerland	40 000	30 November 2006
Venezuela (Bolivarian Republic of)	10 000	13 October 2006
Total contributions	**3 753 631**	
Pledges		
Greece	40 000	20 April 2007
Holy See	1 000	3 July 2007
Hungary	6 578	1 January 2007
United States of America	6 517 170	21 June 2007
Total pledges	**6 564 748**	

B. End of the change in the funding cycle

6. In order to implement recommendation 10 of OIOS calling for an improved funding cycle whereby support from the Fund to grantees would be "for a future

period rather than for one that has largely passed", the Board of Trustees decided to allocate grants for 18 months rather than 12 months over a three-year period, as per the table below. In addition, the Board had also considered the possibility of not providing financial support to grantees for a full year in order to readjust the funding cycle to the calendar year, thereby allowing grants to be paid in January rather than in July every year. It retained the option which it deemed would have a lesser impact on grantees.

Table 2
Grant allocation periods for the twenty-fourth through twenty-seventh sessions

Sessions of the Board	*Grant allocation period*
Twenty-fourth session: April 2005	January 2005-June 2006
Twenty-fifth session: April 2006	July 2006-December 2007
Twenty-sixth session: February 2007	January 2007-December 2007 (priority regions only)
Twenty-seventh session: October 2007	January-December 2008

7. Table 3 indicates the amounts which the Board was able to allocate in 2004 for a 12-month period, before the change in cycle began. It also indicates the amounts recommended for the years 2005, 2006 and 2007, although grants were allocated for two consecutive periods of 18 months (January 2005 to June 2006 and July 2006 to December 2007). The table includes grants which the Board recommended at its twenty-sixth session, in February 2007, for projects identified in priority regions for the year 2007, namely Africa, Asia and emerging democratic States, in particular the Commonwealth of Independent States.

8. In December 2006, the Secretariat launched a call for proposals for priority regions through the Office of the High Commissioner for Human Rights (OHCHR) field presences, human rights components of United Nations peace missions, the Office's non-governmental organizations liaison officer, regional organizations such as the Organization for Security and Co-operation in Europe and international networks of organizations working directly or indirectly with victims of torture, namely the World Organization against Torture, the International Rehabilitation Council for Torture Victims, the International Federation for Human Rights and the Association for the Prevention of Torture. As of 2007, there will no longer be a special call for proposals for priority regions. However, applications from these regions will be considered both at the February session and at the regular grant allocation session which takes place in October every year.

Table 3
Grants awarded between 2004 and 2007, by region
(Thousands of United States dollars)

	2004		*2005*		*2006*		*2007*	
	Amount	*Percentage*	*Amount*	*Percentage*	*Amount*	*Percentage*	*Amount*	*Percentage*
Africa	456	6.98	295.5	5.42	407.5	7.03	640	10.37
Asia	538	8.24	497.5	9.12	465.4	8.03	556	9.01
Latin American and Caribbean States	838	12.83	699	12.81	762.5	13.15	665	10.77
Eastern Europe	560.5	8.58	474	8.69	606.5	10.46	771	12.49
Western European and other States	4 140	63.38	3 489.5	63.96	3 557	61.34	3 541.5	57.37
Total allocated by the Board	**6 532.5**		**5 455.5**		**5 798.9**		**6 173.5**	
Total paid to organizations	**6 220.5**		**4 835**		**5 793.9**		**n. a.**[a]	

[a] The final amount paid in 2007 is not yet available as some grants recommended at the twenty-sixth session of the Board, in February 2007, are still pending because some pre-screening visits are still in progress. The projects concerned are from priority regions and were received in January 2007, one month prior to the meeting of the Board.

9. Thanks to the generosity of donors, the Board was able to limit the negative effect which the change to a new funding cycle could have had on grantees. As compared to 2004, the level of funding allocated decreased by only 16.5 per cent in 2005, 11.2 per cent in 2006 and 5.5 per cent in 2007, as per table 4 below. It should also be noted that until 2006, the Board recommended grants for new projects which were kept pending until a pre-screening visit took place. This practice blocked funds until the assessments were conducted and in some cases, grants had to be cancelled owing to unsatisfactory evaluations. Table 5 indicates that between 2004 and 2005, the level of grants actually paid to beneficiary organizations decreased. This was due to the change in the funding cycle, as indicated above, but also to the fact that a number of grants allocated for new projects were cancelled following unsatisfactory pre-screening visits. In order to avoid this situation in future, the Secretariat now endeavours to organize pre-screening visits prior to the Board's consideration of new projects.

Table 4
Level of funding allocated compared to 2004
(Thousands of United States dollars)

Year	*Total allocated*	*Difference compared to 2004*
2004	6 532.5	—
2005	5 455.5	-16.5%
2006	5 798.9	-11.2%
2007	6 173.5	-5.5%

Table 5
Level of grants paid compared to 2004
(Thousands of United States dollars)

Year	*Total paid*	*Difference compared to 2004*
2004	6 220.5	—
2005	4 835	-22.3%
2006	5 793.9	-6.9%

10. During that period, the Board endeavoured to implement recommendation 4 of OIOS calling for a greater geographical balance in grant allocation. Table 6 indicates the percentage of funds allocated to the respective regions in 2004 and 2007.

Table 6
Grant allocation in 2004 and 2007, percentage by region

	2004	*2007*	*Difference*
Africa	6.98	10.37	+3.39
Asia	8.24	9.01	+0.77
Latin American and Caribbean States	12.83	10.77	-2.06
Eastern Europe	8.58	12.49	+3.91
Western European and other States	63.38	57.37	-6.01

III. Twenty-sixth session of the Board of Trustees

11. The Board of Trustees held its twenty-sixth session from 5 to 9 February 2007 and made recommendations for grants for a total amount of US$ 399,000 to 13 projects in 11 countries from the priority regions it had established at its twenty-fifth session The High Commissioner for Human Rights approved these recommendations on 23 February 2007 on behalf of the Secretary-General.

12. During the session the Board discussed at length the recommendations of OIOS and adopted the following policy decisions.

Recommendation 1
More consistent application of the definition of torture

13. The Board examined a compilation of definitions of torture in international law prepared by the Secretariat. It also requested the Secretariat to work on a compilation of the jurisprudence relating to the interpretation of the definition of torture by international and regional treaty-based human rights bodies. The Board considers that it is satisfied with its application of the definition of torture and does not wish to restrict its ability to rely on the interpretation of different treaty-based human rights bodies on this issue by establishing a list of definitions. The Board has, however, requested that the Secretariat place on its web page the compilation of definitions of torture.

Recommendation 2
Clarification on treatment of family members

14. The Board confirmed the definition of family members adopted at its twenty-fifth session, in April 2006, which includes both direct family members and extended family, provided that the close relationship of the latter with the victim directly affected the family member at the time of the event.

Recommendation 6 (a)
More strategic funding formula

Recommendation 6 (b)
Multi-year funding

15. The Board considered a paper prepared by the Secretariat on these issues and requested the Secretariat to review all projects with a view to identifying a number of them at its twenty-seventh session which it might consider for multi-year funding.

16. With regard to minimum and maximum amounts, as a rule, organizations will be able to apply to the Fund for a maximum amount of US$ 200,000. The Board considered the recommendation that new projects should receive funding for only one third of their budget for the first year. While acknowledging that this recommendation may be very sound from a financial aspect, the Board is concerned that many organizations in countries where raising funds can be difficult may be unable to continue to function. It has therefore decided that projects from the group of Western European and other States would receive up to one third of their budgets while projects from other regions could generally receive a maximum of two thirds of their budgets.

Recommendation 11
Systematic and ongoing monitoring and evaluation system

17. The Board was pleased to note that all projects financed by the Fund between 2000 and 2006 had been visited, thereby completing the first cycle of on-site evaluations and concluding recommendation 11.

18. The visits conducted by the Secretariat include field missions to pre-screen new projects prior to their consideration by the Board, as well as assessments of projects once grants are paid to beneficiary organizations in order to verify that they

are spent in accordance with the guidelines of the Fund. The second type of visit is scheduled periodically every four to five years.

19. In addition to regular monitoring visits, second-generation visits have begun to be undertaken as of 2007. The Board has developed the following criteria to guide the Secretariat in this respect. The aims of these visits are to assess, inter alia:

(a) Whether the caseload of the organization financed includes recent victims of torture or victims who are seeking assistance for the first time although the torture occurred several years previously, or whether the organization assists the same beneficiaries on an ongoing basis. The Board has already requested that several organizations supported by the Fund for a number of years make a special effort to include new clients in their caseload;

(b) What the added value of the Fund's support represents and what the impact on grantees would be should it be discontinued;

(c) The capacity of the organizations to plan strategically, to cooperate with other stakeholders at the national and regional levels, as well as their ability to build the capacities of other organizations working in the area of assistance to torture victims;

(d) The organization's efforts in obtaining other sources of funding;

(e) Lessons learned in project implementation, including competitiveness as compared to other projects in the same country or region.

20. Since the twenty-sixth session of the Board, the Secretariat has conducted second-generation visits in six countries, namely Argentina, Chile, the Democratic Republic of the Congo, Kenya, Rwanda and Serbia. The findings of these visits will be presented to the Board for discussion and the elaboration of possible new policies regarding, inter alia, more strategic funding formulas and prioritization in grant allocation.

Recommendation 14
Creation of a technical adviser roster

21. The Board considers that its current composition is sufficiently broad and does not require the creation of a specific technical roster. The members of the Board already provide expertise in different relevant areas, including law and medicine. It considers the suggestion that a roster of technical advisers be made available to it as a valid one. However, it does not see the need for a roster exclusively for its use. In this respect, it will rely on the roster of experts to be established under the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, should it require additional expertise.

22. In addition to the review of the OIOS recommendations, the Board adopted other policy decisions as set out below.

Emergency fund

23. The emergency fund should not be used for educational purposes, such as the funding of training or seminars, and should be limited to use in situations unforeseen at the time of application, such as a sudden influx of clients owing to a humanitarian crisis.

State-funded institutions

24. The Board agrees to finance State-funded institutions (e.g. public hospitals and universities) provided that they have autonomous status in the country.

Applications

25. Applications in Russian are acceptable.

26. The application will now include a question on how the organization became aware of the existence of the Fund.

Admissibility requirements

27. With respect to admissibility requirements:

(a) Funding of leaflets/web pages to raise awareness of the activities of organizations among torture victims is acceptable;

(b) Travel of staff in the context of the project is acceptable;

(c) In-house training aimed at staff of the organization and other professionals involved in the implementation of the project (such as pro bono lawyers and immigration officers) is acceptable and should not exceed 10 per cent of the expenditures of the grant;

(d) Subscriptions to magazines are not acceptable and remain outside of the Fund's mandate.

Capacity-building of applicants and grantees

28. New projects from priority regions identified during the intersessional period which are not in a position to be presented at the October session may be presented to the Board at its February session, provided that they meet all admissibility criteria at that time.

29. Recommendation 15 called for an active role by the Fund in the capacity-building of grantees. The Secretariat has started to work with organizations which have submitted applications falling within the mandate of the Fund but which are not sufficiently documented to be presented to the Board. The Secretariat assists these organizations to prepare their applications and better meet the Fund's requirements through OHCHR field presences and, where these do not exist, through United Nations country teams when possible.

30. When conducting field missions, staff members invest time in building the capacity of applicants and grantees. Recommendations are issued after visits and their implementation constitutes a determining factor in the allocation of future grants. Such recommendations range from requesting that the organization arrange its files to providing evidence of how the organization monitors assistance to clients.

31. In addition, the Secretariat has started to develop a web page for beneficiary organizations which will be available on the Fund's website and where they will be able to find suggestions to assist them in implementing the Fund's recommendations and to improve their own activities.

Revised budgets

32. Once an organization is informed of the amount awarded by the Fund, it is under the obligation to submit a revised budget reflecting the projected use of the amount approved by the Board by a deadline to be determined by the Secretariat. Organizations will be informed that no further communication on the issue will be sought by the Secretariat and that failure to submit a revised budget within the deadline will result in the cancellation of the grant.

Overhead costs

33. The Board has decided to cap overhead costs as follows:

(a) Up to 6 per cent — no justification from the organization is required;

(b) Between 7 and 13 per cent — justification must be provided;

(c) Above 13 per cent is not considered acceptable.

Mismanagement or fraud

34. In cases where the Board considers that there has been fraud or mismanagement in an organization supported by the Fund, no further application will be accepted unless the organization has taken serious internal measures to address the situation and provides evidence which the Board finds satisfactory.

Interviews with victims during visits to organizations supported by the Fund

35. In the framework of evaluation visits to projects, organizations have the obligation to facilitate meetings between beneficiaries of the projects and the evaluators, who must in turn respect the principle of confidentiality and the autonomy of the victim. The latter has the right to refuse to meet with evaluators, or may request the presence of his/her therapist/counsellor during the interview. The Board and the Secretariat do not seek to interview victims about their traumatic experiences but rather wish to obtain the victims' perspective on the organization that assists them.

Provisional terms of reference and methods of work of the Board

36. In order to ensure continuity, taking into account the turnover of Board members and Secretariat staff, the Board has decided to adopt provisional terms of reference and methods of work which are reproduced in the annex.

IV. Outstanding recommendations of the Office of Internal Oversight Services

37. The Office of the United Nations High Commissioner for Human Rights submitted to OIOS in June 2007 detailed information on action taken by the Board and the Secretariat to implement its recommendations. OIOS considers that all recommendations have been implemented, except for recommendations 6 (b), 7 (d) and 9.

Multi-year funding

38. Recommendation 6 (b) suggested that the Board consider multi-year project approval for three-year periods for projects with a good track record with the Fund. The Board will draw on other institutional donors' experience at its next session and will establish criteria and guidelines to implement this recommendation at its twenty-eighth session, in February 2008.

Interaction with donors and other United Nations entities

39. Recommendation 7 (d) called on the Board to strengthen its interaction with donors and to be more proactive in fund-raising by approaching decision makers in donor capitals and by better promoting the Fund to actual and potential donors, within the context of an OHCHR global fund-raising strategy. It also called on the Board and Secretariat to address the issue of greater synergies with other United Nations entities.

40. At its last session, the Board met with the OHCHR Resource Mobilization Unit to explore possible fund-raising strategies. The Board also met with interested Member States, in particular some members of the "Rubens Group" of donors, including Denmark, Ireland, the Netherlands and the United Kingdom of Great Britain and Northern Ireland, to brief them on priorities for the year 2007. In the context of these meetings, the Board highlighted what it considered to be its added value, which could in turn encourage Governments to contribute to the Fund rather than finance projects bilaterally. In this respect, the Board distributes grants without being constrained by national or bilateral interests, exercises quality control over monies disbursed and is able to finance projects in conflict zones, which may be less accessible to government bilateral funding. The Board considers that its main weaknesses are the significant gap between the resources available for grant allocation and the requests received, as well as its limited visibility in certain regions, with a consequential lack of projects being received from them.

41. The Board has requested that the Secretariat organize meetings with institutional donors, namely representatives from the European Commission, the United States Agency for International Development and the United States Office of Refugee Resettlement, among others, at its twenty-seventh session to exchange information, discuss possible coordination of donor policies and identify possible synergies.

Strengthened management system

42. Recommendation 9 states that, the "Fund should establish a central and computerized historical, financial and narrative project tracking system that will allow staff to follow and document the history and progress of its relationships with grantees and donors". The Secretariat is currently developing a Web-based tool to strengthen the management of the Fund through improved administrative and management processes as well as enhanced assistance and monitoring of the work of grantees. The tool includes external online application and reporting modules, which will allow organizations to submit requests for funding and reports on the use of grants through the Web. It also includes an internal administration module to administer the work of the Fund and manage the allocation and payment of grants.

43. The external application module has been developed and tested with selected grantees both from technically developed and less technically developed countries. The testing allowed its refinement and upgrade, which was finalized in July 2007. The Secretariat is currently working on the French and Spanish versions of the application module. The application module is expected to be available during the first quarter of 2008 for the use of grantees for applications for 2009.

44. The Secretariat is also currently working on the refinement and upgrade of the internal administration module and a first live testing will take place in preparation of the twenty-seventh session of the Board in October 2007. The external reporting module, which mirrors the application module, has already been conceptualized and will be developed during 2008 in order for it to be ready for organizations to use when submitting their reports on the use of the 2009 grants.

V. International Day in Support of Victims of Torture

45. On 26 June 2007, the United Nations Committee against Torture, the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, the Board of Trustees of the United Nations Voluntary Fund for Victims of Torture and the United Nations High Commissioner for Human Rights made the following statement to commemorate the International Day in Support of Victims of Torture:

> "We welcome the entry into force, last year, of the Optional Protocol to the Convention against Torture as an historic step in the fight against torture and other forms of ill-treatment. This protocol provides for the establishment of independent national preventive mechanisms empowered to undertake visits to places of detention. The Optional Protocol deserves all possible support from States, the United Nations and civil society.
>
> "The past year saw another welcome landmark: the adoption by the General Assembly of the International Convention for the Protection of All Persons from Enforced Disappearance. In view of the strong links between torture and enforced disappearances, this treaty brings hope to many who have despaired of the fate of their loved ones.
>
> "This year the United Nations International Day in Support of Victims of Torture coincides with the twentieth anniversary of the entry into force of the Convention against Torture. During the past 20 years, this instrument has served to strengthen efforts to prevent torture and support victims. However, its universal ratification is still to be achieved.
>
> "We call on all States to become party to the Convention against Torture and make the declarations provided under articles 21 and 22 of the Convention, on inter-State and individual complaints, in order to maximize transparency and accountability in their fight against torture. States must also cooperate in good faith with the Committee against Torture in implementing its views and recommendations, including in its inquiry capacity.
>
> "It is a matter of grave concern that some States have disregarded the Committee's requests not to deport or remove individuals to countries where they run the risk of being tortured. We stress that such actions nullify the

effective exercise of the international right of individual petition and seriously undermine the protection of the rights enshrined in the Convention. We remind States which have accepted the competence of the Committee against Torture to receive individual communications that they are bound to cooperate with the Committee in applying and giving full effect to the individual complaints procedure.

"The application of the death penalty in many parts of the world continues to concern us as persons on death row and executed persons, as well as the members of their families, are, under certain circumstances, also victims of torture. Irrespective of whether the death penalty is considered lawful or not under international law, many issues regarding its application may be contrary to international norms against torture and other cruel, inhuman or degrading treatment or punishment. In itself, the holding of persons on death row for extended periods often gives rise to cruelty and inhumanity. The failure to notify prisoners and family members until the last moment, if at all, that the death penalty will be carried out is unacceptable treatment. The act of execution itself is frequently carried out in circumstances that are degrading and fail to respect the inherent dignity of the person, thus breaching international law. Given these many problems, we call on all States that continue to apply the death penalty to consider a moratorium on its use.

"On this International Day in Support of Victims of Torture, we pay tribute to all Governments, civil society organizations and individuals engaged in activities aimed at preventing torture, punishing it and ensuring that all victims obtain redress and have an enforceable right to fair and adequate compensation, including the means for as full rehabilitation as possible. We express our gratitude to all donors to the United Nations Voluntary Fund for Victims of Torture and hope that contributions to the Fund will continue to increase, so that more victims of torture and members of their families can receive the assistance they need. We call on all States, in particular those which have been found to be responsible for widespread or systematic practices of torture, to contribute to the Voluntary Fund as part of a universal commitment for the rehabilitation of torture victims."

VI. How to make a contribution to the Fund

46. Contributions to the Fund should always be marked as follows: "payee. United Nations Voluntary Fund for Victims of Torture, account CH". Payments may be made either by bank transfer: (a) in United States dollars to "United Nations Geneva General Fund", account No. 485001802, J.P. Morgan Chase Bank, International Agencies Banking, 1166 Avenue of the Americas, 17th floor, New York, NY 10036-2708, United States of America (Swift code: CHAS US 33; ABA code: 021000021); (b) in euros to "United Nations Office at Geneva", account No. 23961901, J.P. Morgan Chase Bank, 125 London Wall, London EC2Y 5AJ, United Kingdom (Swift code: CHAS GB 2L, Sorting code: 60-92-42, IBAN: GB2[illegible]CHAS 6092 4223 9619 01); (c) in pounds sterling to "United Nations Office at Geneva", account No. 23961903, J.P. Morgan Chase Bank, 125 London Wall, London EC2Y 5AJ, United Kingdom (Swift code: CHAS GB 2L, Sorting code: 60-92-42, IBAN: GB25 CHAS 6092 4223 9619 03); (d) in Swiss francs to "United Nations Geneva General Fund", account No. 240-C0590160.0, UBS, rue du Rhône 8, Geneva 2, Switzerland

(Swift code: UBSW CH ZH 12A; IBAN: CH65 0024 0240 CO59 0160 0); (d) in any other currency to "United Nations Geneva General Fund", account No. 240-C0590160.1, UBS, rue du Rhône 8, Geneva 2, Switzerland (Swift code: UBSW CH ZH 12A; IBAN: CH65 0024 0240 CO59 0160 1); (e) or by cheque payable to "United Nations" addressed to: Trésorerie, Nations Unies, Palais des Nations, CH-1211 Geneva 10, Switzerland. Donors are requested to inform the Secretariat of the Fund and the Resource Mobilization Unit of the Office of the High Commissioner for Human Rights when a payment has been made (a copy of the bank transfer order or of the cheque would be appreciated) to facilitate effective follow-up on the official recording procedure and preparation of the Secretary-General's reports.

VII. Conclusions and recommendations

47. Pursuant to the appeals by the General Assembly and the Board of Trustees of the Fund, donors are invited to pay their contributions to the Fund before the regular allocation session of the Board to enable the latter to take them into account at its twenty-ninth session, in October 2008.

48. The General Assembly and the Board have also urged regular donors to increase their contributions if possible in order to provide the Board with the resources to meet the growing needs of torture victims and members of their families.

49. The Board strongly encourages Governments that have not yet contributed to the Fund to do so for the first time, preferably before September 2008.

Annex

Provisional terms of reference and methods of work of the Board of Trustees of the United Nations Voluntary Fund for Victims of Torture

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Part one

Terms of reference

I. Sessions

Rule 1
Sessions

The Board of Trustees of the United Nations Voluntary Fund for Victims of Torture (hereinafter referred to as "the Board") shall hold such sessions as may be required for the effective performance of the functioning of the Fund, in accordance with General Assembly resolution 36/151 of 16 December 1981.

Rule 2
Number and date of sessions

1. The Board shall normally hold two sessions each year, one session dedicated mainly to policy issues and another session to grant allocation.

2. Sessions of the Board shall be convened on dates decided upon by the Board in consultation with the Secretary-General of the United Nations (hereinafter referred to as "the Secretary-General"), taking into account the calendar of conferences and meetings approved by the General Assembly.

Rule 3
Place of sessions

Sessions of the Board shall normally be held at the United Nations Office at Geneva. Another venue for a session may be proposed by the Board in consultation with the Secretary-General.

Rule 4
Notification of opening date of sessions

The Secretary-General shall notify members of the Board of the date, duration and place of the first meeting of each session. Such notification shall be sent as early as possible.

II. Agenda

Rule 5
Provisional agenda

The provisional agenda for each session shall be prepared by the Secretary-General in consultation with the Chairperson and circulated to the members of the Board for comments.

Rule 6
Transmission of the provisional agenda

The provisional agenda and the basic documents relating to each item thereof shall be prepared by the Secretary-General, who shall endeavour to have the documents transmitted to members of the Board as early as possible.

Rule 7
Adoption of the agenda

The first item on the provisional agenda for any session shall be the adoption of the agenda.

Rule 8
Revision of the agenda

During a session, the Board may amend the agenda and may, as appropriate, add, delete or defer items.

III. Members of the Board

Rule 9
Duties of the Board

The Board of Trustees advises the High Commissioner for Human Rights, on behalf of the Secretary-General, on the administration of the Fund. The Board shall submit its recommendations to the High Commissioner for approval.

Rule 10
Term of office and selection criteria of members

1. The Board is composed of a Chairperson and four members with wide experience in the field of human rights. The members of the Board shall be appointed by the Secretary-General for a term of three years, renewable once.

2. Members of the Board of Trustees should be independent experts acting in their personal capacity. The principle of independence requires that the members are not subject to direction or influence of any kind, or to pressure from the State or its agencies in regard to the performance of their duties.

3. When appointing members of the Board in consultation with their Governments due regard should be given to gender balance and equitable geographical distribution. Country rotation should also be pursued when outgoing members are replaced.

4. Members should have wide experience in the field of human rights and knowledge of fund-raising, allocation of funds and project management.

5. Members should abstain from engaging in any activities or functions that may appear to be not readily reconcilable with their independence.

6. Members should be able to dedicate time to the fulfilment of their mandate. They should be available at least four weeks in the year to attend the annual sessions of the Board and undertake field visits to projects financed by the Fund.

Rule 11
Election of the Chairperson

The Board shall elect from among its members a Chairperson for a two-year period, renewable for the remainder of his or her mandate. If the appointment of the Board member acting as the Chairperson is renewed by the Secretary-General for a second term of three years, the Board member may be re-elected for a last term of one year. The term of office of the Chairperson is limited to four years in total.

Rule 12
Conduct of election

1. Where there is only one candidate for election as Chairperson, the Board may decide to elect that person by acclamation.

2. Where there are two or more candidates for election as Chairperson, or where the Board otherwise decides to proceed with a ballot, the person who obtains a simple majority of the votes cast by members present and voting shall be elected.

3. If no single candidate receives a majority of the votes cast, the members of the Board shall endeavour to reach a consensus before holding a further ballot.

4. Elections shall be held by secret ballot.

Rule 13
Solemn declaration

Upon assuming their duties, members of the Board shall make the following solemn declaration at the opening of their first session:

> "I solemnly declare that I shall perform my responsibilities and duties as a member of the Board of Trustees of the United Nations Voluntary Fund for Victims of Torture honourably, faithfully, impartially and conscientiously."

Rule 14
Functions of the Chairperson

1. The Chairperson shall perform the functions conferred upon her or him by the present terms of reference and the decisions of the Board.

2. In the exercise of those functions the Chairperson shall remain under the authority of the Board.

3. The Chairperson shall represent the Board at United Nations meetings in which the Board is officially invited to participate. If the Chairperson is unable to represent the Board at such a meeting, she or he may designate another member of the Board to attend on her or his behalf.

Rule 15
Absence of the Chairperson from meetings of the Board

1. If, during a session, the Chairperson is unable to be present at a meeting or any part thereof, she or he shall designate another member of the Board to act in her or his place.

2. Any member acting as Chairperson shall have the same powers and duties as the Chairperson.

Rule 16
Members of the Board

Members of the Board may not be represented by alternates.

Rule 17
Filling casual vacancies

If a member of the Board resigns, or declares that she or he can no longer perform her or his duties as a member of the Board, dies, or is prevented for any reason from performing her or his duties without so declaring, the Secretary-General shall within two months nominate another expert from the same regional group for the remaining part of the term.

IV. Secretariat

Rule 18
Duties of the Secretary-General

1. The Secretary-General

(a) Shall provide the secretariat of the Board ("the Secretariat");

(b) Shall provide the Board with the necessary staff and facilities for the effective performance of its functions under General Assembly resolution 36/151;

(c) Shall be responsible for all necessary arrangements for meetings of the Board.

2. The Secretary-General shall be responsible for informing the members of the Board without delay of any questions that may be brought before it for consideration or of any other developments that may be of relevance to the Board.

Rule 19
Statements

The Secretary-General or her or his representative shall be present at all meetings of the Board and may make oral or written statements at such meetings.

Rule 20
Financial implications

Before any proposal that involves expenditure is approved by the Board, the Secretary-General shall prepare and circulate to the members of the Board as early as possible an estimate of the cost involved in the proposal. It shall be the duty of the Chairperson to draw the attention of members to this estimate and to invite discussion on it when the proposal is considered by the Board.

V. Languages

Rule 21
Official languages

English, French and Spanish shall be the official languages of the Board, or any of the official languages of the United Nations as required.

Rule 22
Working languages

English shall be the working language of the Board unless members agree on a different language, owing to the composition of the Board.

Rule 23
Interpretation

Interpretation shall be made available in all official languages during meetings with Member States, donors and non-governmental organizations.

VI. Conduct of business

Rule 24
Private meetings

The meetings of the Board shall be private unless the Board decides otherwise.

Rule 25
Quorum

Three members of the Board shall constitute a quorum.

Rule 26
Powers of the Chairperson

1. The Chairperson, in accordance with the present rules, shall control the proceedings of the Board and ensure the maintenance of order at its meetings. She or he shall ensure that the Board proceeds with its work efficiently, including through limiting time allowed to speakers.

2. The Chairperson shall rule immediately on points of order, which may be raised by a member at any time during the discussion. A member raising a point of order may not speak on the substance of the matter under discussion.

3. The Chairperson may call a speaker to order if his or her remarks are not relevant to the subject under discussion.

4. The Chairperson may propose to the Board to adjourn or close the debate, or to suspend or adjourn the meeting.

5. Any member may request that a decision regarding the conduct of the Board's business be immediately put to the vote.

VII. Voting

Rule 27
Adoption of decisions

1. The Board shall endeavour to reach its decisions by consensus.

2. If and when all reasonable efforts to reach consensus have been exhausted, decisions of the Board shall be taken by a simple majority of the members present and voting.

Rule 28
Voting rights

1. Each member of the Board shall have one vote.

2. For the purpose of the present rules, "members present and voting" means members casting an affirmative or negative vote. Members who abstain from voting are considered as not voting.

Rule 29
Equally divided votes

If a vote is equally divided on a matter other than an election, the proposal shall be regarded as not having been approved.

Rule 30
Method of voting

The Board shall normally vote by show of hands, except that any member may request a roll-call, which shall then be taken in the English alphabetical order of the names of the members of the Board, beginning with the member whose name is drawn by lot by the Chairperson.

VIII. Participation of non-governmental organizations and donors

Rule 31
Participation of non-governmental organizations

1. Representatives of non-governmental organizations may be invited by the Board to make oral statements in order to provide information on activities which are relevant to the work of the Board, including in the framework of fund-raising events.

2. The Board shall earmark funding to cover expenses relating to the participation of non-governmental organizations invited to such events.

Rule 32
Participation of donors

Donor representatives may be invited by the Board to exchange information on fund-raising strategies and funding policies.

IX. Annual report of the Secretary-General

Rule 33
Annual report of the Secretary-General

As per the arrangements for the management of the United Nations Voluntary Fund for Victims of Torture (A/36/540, annex), an annual report, showing funds available, pledges and funds received and the expenditures made from the Fund, shall be submitted to the General Assembly and, as appropriate, to the Commission on Human Rights. As of 2007, a report shall be submitted to the Human Rights Council.[a] The reports shall be prepared by the Secretary-General.

[a] Council decision 2/102 of 6 October 2006.

Part two

Methods of work of the Board

I. Grant allocation

Rule 34

During its annual session on grant allocation, the Board makes recommendations for approval by the Secretary-General on grants to be distributed to projects providing medical, psychological, social, legal and financial assistance to victims of torture and their relatives.

Rule 35

The Secretariat shall provide the Board with relevant information on the projects to be considered in order to facilitate the decision process with respect to the distribution of grants.

Rule 36

The Board may recommend that a grant be paid promptly, if all the requirements are fulfilled (see Guidelines of the Fund for the use of organizations). If additional information is needed or a requirement not yet met, the Board may recommend keeping a grant pending until a given date that will be set by the Board.

Rule 37

Members of the Board shall refrain from taking a decision on grant allocation with respect to organizations they may be associated with to avoid a conflict of interest. As a rule, members should not receive any personal benefits from, or be financially or managerially associated with organizations supported by the Fund.

Rule 38

The Secretariat will release grants during the intersessional period once all the requirements are met, or request additional information from applicants if needed.

Rule 39

The Board and the Secretariat may request organizations to totally or partially refund a grant when requirements are not met (see Guidelines of the Fund for the use of organizations).

Rule 40

During the intersessional period, the Board may make recommendations to the Secretariat on requests for funding under the emergency procedure of the Fund. All members will be informed of any new requests, however, if the amount requested is lower than US$ 20,000, the approval of only two members, including the Chairperson, will be required. Above this amount, the approval of three members, including the Chairperson and the member from the region concerned, is needed.

Rule 41

During the intersessional period, the Board may make recommendations to the Secretariat on grants relating to projects identified by field presences of the Office of the High Commissioner for Human Rights, members of the Board or the Secretariat, in priority regions or countries determined by the Board.

II. Decisions

Rule 42

The Secretariat shall send to the members of the Board as early as possible a list of issues identified by members of the Board and the Secretariat during the intersessional period on which decisions may be required.

III. Fund-raising

Rule 43

The Board is authorized to promote and solicit contributions and pledges, in accordance with General Assembly resolution 36/151. The Board shall meet regularly with donors to inform them of the activities of the Fund and priorities established by the Board. To that effect, the Secretariat shall organize multilateral or bilateral meetings with donors, in consultation with the Resource Mobilization Unit of the Office of the High Commissioner for Human Rights.

IV. Field visits

Rule 44

Members of the Board may undertake missions to projects implemented in the field, in order to assess the impact of the Fund's work through the organizations it finances. These visits are useful to formulate new policies and verify their impact.

V. Dissemination of information

Rule 45

The Board shall have a proactive role in disseminating information on the Fund and identifying potential grantees in their respective regions, as well as during missions to other regions.

VI. Cooperation with other United Nations bodies

Rule 46

The Board shall cooperate closely with the Committee against Torture and the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, as well as with the Special Rapporteur on the question of

torture. The Board shall exchange information with these bodies on issues of common interest.

Rule 47

On 26 June, International Day in Support of Victims of Torture, the Board shall adopt a joint statement with the Committee against Torture, the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Special Rapporteur on the question of torture and the High Commissioner for Human Rights.

VII. Review of methods of work

Rule 48

The Board shall regularly review its methods of work, as well as the Guidelines of the Fund for the use of organizations, in order to continue to strengthen the efficiency and effectiveness of the Fund.